



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 5543-99

7 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 14 July 1977 at age 18. Prior to the offenses for which you received a bad conduct discharge, you received three nonjudicial punishments and were convicted by a summary court-martial and a special court-martial. The offenses included unauthorized absences totalling 52 days, disobedience of a lawful order, and disrespect.

A second special court-martial convened on 21 May 1979 and found you guilty of unauthorized absences totalling 43 days. The court sentenced you to confinement at hard labor for 75 days, forfeitures of \$100 per month for six months and a bad conduct discharge. On 22 May 1979 you became an unauthorized absentee until 23 May 1979. However, the bad conduct discharge was suspended for a year. On 27 December 1979 you then commenced three periods of unauthorized absence totalling 66 days and were placed in confinement from 2 June to 27 July 1980, a period of 55 days. On 15 September 1980, the suspended bad conduct discharge was ordered executed due to an unauthorized absence from 3

January to 6 February 1980 and you were discharged on 2 October 1980.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity, personal problems, and the contention that you never received a \$2500 enlistment bonus. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your unauthorized absences totalling more than five months. The Board also noted that the initial sentence to a bad conduct discharge was suspended, thus giving you an opportunity to earn a better discharge. However, you continued to commit offenses, which resulted in the discharge being executed. Based on the foregoing, the Board concluded that no change to the discharge is warranted.

Concerning your \$2500 enlistment bonus, there is no evidence in your record, nor have you presented any, to show you were entitled to an enlistment bonus of that amount.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Copy to: The American Legion